

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BOARD OF TRUSTEES OF THE
EMPLOYEE PAINTERS' TRUST; BOARD
OF TRUSTEES OF THE WESTERN
WASHINGTON PAINTERS DEFINED
CONTRIBUTION PENSION TRUST;
BOARD OF TRUSTEES OF THE DISTRICT
COUNCIL NO. 5 APPRENTICESHIP AND
TRAINING TRUST FUND; BOARD OF
TRUSTEES OF THE INTERNATIONAL
PAINTERS AND ALLIED TRADES
INDUSTRY PENSION FUND; BOARD OF
TRUSTEES OF THE FINISHING TRADES
INSTITUTE; BOARD OF TRUSTEES OF
THE PAINTERS AND ALLIED TRADES
LABOR MANAGEMENT COOPERATION
INITIATIVE; WESTERN WASHINGTON
SIGNATORY PAINTING EMPLOYERS
ASSOCIATION; AND INTERNATIONAL
UNION OF PAINTERS AND ALLIED
TRADES DISTRICT COUNCIL NO. 5,

Plaintiffs,

v.

CHAMPION PAINTING SPECIALTY
SERVICES CORP., a Florida Corporation;
CARLOS HERNANDEZ, an individual;
BERKSHIRE HATHAWAY SPECIALTY
INSURANCE COMPANY, a Nebraska
Corporation; OLD REPUBLIC SURETY

Case No. 2:21-CV-00858-MJP

**FIRST STIPULATED MOTION TO
EXTEND DEADLINE FOR
DEFENDANT BERKSHIRE
HATHAWAY SPECIALTY
INSURANCE COMPANY TO
RESPOND TO COMPLAINT**

**NOTE ON MOTION CALENDAR:
November 12, 2021**

CAPTION (2:21-CV-00858-MJP) - 1

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COMPANY, a Wisconsin corporation;
 LIBERTY MUTUAL INSURANCE
 COMPANY, a Massachusetts corporation;
 WASHINGTON STATE DEPARTMENT OF
 TRANSPORTATION, a political subdivision
 of the State of Washington; ROGNLIN'S,
 INC., a Washington corporation; DOES &
 ROES I-X,

Defendants.

Plaintiffs Board of Trustees of the Employee Painters' Trust, *et al.* (collectively, "**Plaintiffs**"), acting by and through their Counsel, Christensen James & Martin, and Defendant Berkshire Hathaway Specialty Insurance Company ("**Berkshire**"), acting by and through its Counsel, Fox Rothschild, LLP and Akerman, LLP, hereby stipulate and agree as follows:

1. The Complaint in this matter was filed on June 25, 2021 [ECF No. 1].
2. Summonses were issued as to all Defendants on August 27, 2021 [ECF No. 5].
3. On October 22, 2021, the Insurance Commissioner of the State of Washington issued a certificate of acceptance of service with respect to Defendant Berkshire.
4. On November 11, 2021, Fox Rothschild, LLP and Akerman, LLP were engaged to represent Defendant Berkshire.
5. The current deadline for Defendant Berkshire to file a responsive pleading is November 12, 2021.
6. The parties have preliminarily discussed the possibility of settlement, but require additional time for further negotiations.
7. Plaintiffs and Defendant Berkshire agree to extend the deadline for Defendant Berkshire to file a responsive pleading in this matter to allow time for the parties to more fully explore settlement before significant fees and costs are incurred and to respond in good faith to the Complaint, if necessary.

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8. Plaintiffs and Defendant Berkshire hereby move the Court for an extension of the deadline for Defendant Berkshire to answer or otherwise respond to the Complaint to November 30, 2021.

9. This matter is scheduled for trial on October 31, 2022, and there are no motions currently pending.

10. This is the first request for an extension of time for Defendant Berkshire to file a responsive pleading and is not requested to cause delay or for any other improper purpose.

DATED this 12 day of November, 2021

CHRISTENSEN JAMES & MARTIN

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AKERMAN LLP

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*Attorneys for Defendants Champion Painting
Specialty Services Corp., Carlos Hernandez,
and Berkshire Hathaway Specialty Insurance
Company*

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3 **IT IS SO ORDERED.**
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5 Dated: November 16, 2021.
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9 Marsha J. Pechman
10 United States Senior District Judge
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CAPTION (2:21-CV-00858-MJP) - 4

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